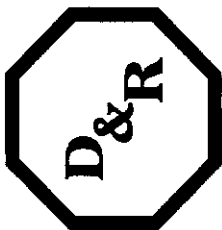


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# REPORTING & VIDEO, INC.



## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

HITUL GANDHI, individually )  
and on behalf of a class of )  
others similarly situated, )

Plaintiff, )

vs. )

No. A-08-CA-248-JRN

DELL INC., and DELL )  
MARKETING USA, L.P., )

Defendant. )

CATHERINE L. DAVIS and TOMMY )  
MOORE, Individually and on )  
Behalf of others similarly )  
situated, )

vs. )

No. A-08-CA-794-JRN

DELL, INC. d/b/a DELL )  
COMPUTER, INC., a Delaware )  
corporation, DELL USA L.P., )  
a Texas Limited Partnership )  
and DELL MARKETING L.P., a )  
Texas Limited Partnership, )

Defendant. )

Atsumi, Amy Mai 12-17-2008

<p>1</p> <p>2</p> <p>3 DEPOSITION OF AMY MAI ATSUMI</p> <p>4 TAKEN ON BEHALF OF THE PLAINTIFFS</p> <p>5 IN OKLAHOMA CITY, OKLAHOMA</p> <p>6 ON DECEMBER 17, 2008</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13 Reported by: Elizabeth Caudill, CSR, RMR, CRR</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>2</p> <p>1 CONTENTS</p> <p>2 Page Line</p> <p>3 Direct Examination by Ms. Waters . . . 6 6</p> <p>4 Cross-Examination by Mr. Fox . . . 169 20</p> <p>5 Redirect Examination by Ms. Waters . . . 171 6</p> <p>6 Jurat Page . . . 176</p> <p>7 Witness Signature Page . . . 177</p> <p>8 Reporter's Certificate . . . 178</p> <p>9</p> <p>10</p> <p>11 PLAINTIFF'S INDEX OF EXHIBITS</p> <p>12 Page Line</p> <p>13 Exhibit 1 . . . 9 16</p> <p>14 Exhibit 2 . . . 10 6</p> <p>15 Exhibit 3 . . . 43 4</p> <p>16 Exhibit 4 . . . 51 6</p> <p>17 Exhibit 5 . . . 75 11</p> <p>18 Exhibit 6 . . . 83 14</p> <p>19 Exhibit 7 . . . 103 19</p> <p>20 Exhibit 8 . . . 124 15</p> <p>21 Exhibit 9 . . . 143 2</p> <p>22</p> <p>23</p> <p>24 *****</p> <p>25</p>	<p>4</p>
<p>1 APPEARANCES</p> <p>2 For the Plaintiff: Allison B. Waters</p> <p>3 Attorney at Law</p> <p>4 10205 North Pennsylvania</p> <p>5 Oklahoma City, Oklahoma 73120</p> <p>6</p> <p>7 Matt Dameron</p> <p>8 Attorney at Law</p> <p>9 480 Nichols Road</p> <p>10 Suite 200</p> <p>11 Kansas City, Missouri 64112</p> <p>12 For the Defendant: Michael W. Fox</p> <p>13 Attorney at Law</p> <p>14 301 Congress Avenue</p> <p>15 Suite 1250</p> <p>16 Austin, Texas 78701</p> <p>17</p> <p>18 Christopher Hahn</p> <p>19 2801 Via Fortuna</p> <p>20 Suite 100</p> <p>21 Austin, Texas 78746</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>3</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>5</p>

Atsumi, Amy Mai 12-17-2008

<p style="text-align: right;">10</p> <p>1 A A small facility in Fremont, 2 California, in which there are technical support 3 call representatives. 4 Q Any others? 5 A No, ma'am. 6 Q This suit is relating to business sales 7 representatives. Do you understand that? 8 A Yes. 9 Q You hesitated a little bit. 10 A Could you define for me your scope of 11 business sales representatives, just so that I'm 12 clear? 13 Q Okay. Let me mark your deposition 14 exhibit first and then I have a document that I 15 think will clarify this for us. 16 (Plaintiff's Exhibit Number 1 marked 17 for identification and made part of the 18 record) 19 Q (By Ms. Waters) I'm showing you what 20 we've marked Exhibit 1 to your deposition which 21 is the Notice of Deposition. 22 Have you seen that document before? 23 A Yes, I have. 24 Q It's my understanding -- and I'd like 25 you to confirm this, if you could -- that you've</p>	<p style="text-align: right;">12</p> <p>1 A I'm familiar with Oklahoma City call 2 center and familiar with the name Cathy Davis. 3 Q Okay. Did you do any verification to 4 confirm that Ms. Davis was, in fact, employed at 5 the Oklahoma City call center prior to your 6 deposition today? 7 A I personally did not. 8 Q What did you do in preparation for your 9 deposition today? 10 A So I reviewed the various items that 11 you described previously with regards to my 12 responsibilities under the deposition, as well as 13 met with Mr. Fox and Mr. Hahn. 14 Q All right. Did you review any 15 documents? 16 A Yes, I did. 17 Q What documents did you review, ma'am? 18 A I reviewed a few documents that Mr. Fox 19 provided to me with regards to some training 20 information provided to inside sales 21 representatives. 22 Q And those documents, what were they 23 comprised of, do you recall? 24 A I do not recall every page -- specific 25 content of each page.</p>
<p style="text-align: right;">11</p> <p>1 been designated to testify regarding several of 2 the topics. And those include topics 1 through 3 5, numbers 9, 10 and 12. Is that correct? 4 A Yes. 5 Q All right. 6 (Plaintiff's Exhibit Number 2 7 marked for identification and made part 8 of the record) 9 Q (By Ms. Waters) And we'll go through 10 each of these, but let me show you what we've 11 marked Exhibit 2 to your deposition. And I'll 12 ask you if you've ever seen that document before 13 and if you can identify it. 14 A So I have not seen this document 15 before. 16 Q All right. I'll represent to you that 17 this is a page from some Dell brochures -- or 18 several pages from Dell brochures that were 19 provided to one of the plaintiffs in this case, 20 Cathy Davis; okay? 21 A Okay. 22 Q Ms. Davis was formerly employed as a 23 sales representative in the Oklahoma City call 24 center. 25 Are you familiar with that?</p>	<p style="text-align: right;">13</p> <p>1 Q Uh-huh. 2 A However, I do recall reference to 3 calculation of pay and overtime pay for our 4 inside sales representatives. 5 Q Were those records involving training 6 on KRONOS? 7 A I don't recall if that specific topic 8 was within the document I reviewed. 9 Q All right. The documents you reviewed, 10 did they give examples of calculation of how 11 individuals would be compensated and examples of 12 how overtime would be calculated? 13 A Yes. 14 Q Those were documents that were 15 generated out of the Oklahoma City office? Or 16 where were those documents from? 17 A Documents that were provided by 18 Mr. Fox. 19 Q You don't know the source of the 20 documents? 21 A No, I do not. 22 Q And I take it you were not the author 23 of any of those; correct? 24 A Correct. 25 Q All right. Now, if you look back to</p>